

Proposal for Credentialing Review

September 18, 2002

Background

The January, 1999 publication of the Nebraska Credentialing Reform 2000 report, part two, contained 144 recommendations. Some of these recommendations were for the credentialing review focus area and included:

- Credentialing processes must support: better services, greater accountability, greater efficiency, cost effectiveness and common sense.
- Whenever possible, utilize uniform standards, and consistent processes and vocabulary.
- Health professionals should be credentialed for the following reasons: to protect the public from harm; and to establish the qualifications and competency for those who provide health care services.
- The criteria for credentialing review should evaluate the need to credential and take into account: Does the profession have unique skills, knowledge or ability that distinguish it from routine work and labor? Can the public assess the skills and competencies of the practitioner in order to make an appropriate choice of practitioner? Are there other alternatives or mechanisms to government regulation for public protection?
- The program should favor the least restrictive level of regulation consistent with protection of public health and welfare so as not to unnecessarily limit access to health care services.
- The credentialing review process should extend to cover all professions and occupations regulated by the Department of HHS Regulation and Licensure.

The implementation of these recommendations began with the passage of legislation in 1999. This legislation specified the intent for department reviews of credentialed professions (71-1,343 (1)): “It is the intent of the Legislature that quality health care services and human services be provided to all citizens of the state and basic standards be developed to protect the public health and safety and that professions be regulated by the state only when it is demonstrated that such regulation is in the best interests of the public.”

Credentialing system, credentialing, licenses and licensure are terms used in this proposal. Credentialing means the totality of the process associated with obtaining state approval to provide health care services or human services or changing aspects of a current approval. Credentialing grants permission to use a protected title that signifies that a person is qualified to provide the services of a certain profession. Credentialing includes a license, certificate, or registration.

Historically, credentialing reviews were established in The Nebraska Regulation of Health Professions Act (1985). This act established guidelines for the regulation of health professions not licensed or regulated prior to 1985, and those licensed or regulated professions which seek to change their scope of practice. In the act, health professions are those that render services for the purpose of: Preventing physical, mental, or emotional injury or illness; Facilitating recovery

from injury or illness; Providing rehabilitative or continuing care following injury or illness. While this credentialing review process, (often referred to as the 407 Program) has served as the principal mechanism for introducing a consistent public-policy thread into deliberations regarding the regulation of new professions and changes in scopes of practice, its' use of a three-recommendation system has proven to sometimes be cumbersome, confusing and complicated.

Implementation

Goals

A new credentialing review process is proposed to implement the NCR recommendations and streamline the current credentialing review (407) process. It will apply to all professions and occupations credentialed by the Department. This process is designed to achieve the following goals:

1. Provision of a process and criteria for determining when professions and occupations need to be credentialed, the appropriate level of credential, and the effectiveness in achieving profession and occupation outcomes for public protection with the least restrictive credentialing;
2. Utilization of criteria in the review process that focus on:
 - a. The risk that the practice poses to the public
 - b. The potential for self-protection by the public
 - c. The amount of independent judgment exercised by the practitioner;
3. Production of information which the Director of Health and Human Services Regulation and Licensure can use to make more informed decisions; and
4. Provision of a single system to review all professions and occupations in any of the following situations:
 - a. When there is a proposal for to credential a new profession or occupation (**new credential**);
 - b. When currently credentialed professions or occupations are due for a **periodic review**;
 - c. When a **change in scope of practice** is proposed for a currently credentialed profession or occupation; and
 - d. When a change in the requirements for initial or continued credentials, reinstatement, denial, discipline or another **significant change is proposed** for a currently credentialed profession or occupation.

Any party may initiate the Credentialing Review Process for any of the four situations, including but not limited to the following entities:

- a. Public (individuals, associations, organizations, etc.)
- b. Profession (individual, associations, organizations, etc.)
- c. Department (Director, individual, etc.)
- d. Legal concerns (Legislature, court decisions, case law, statutory reviews, AG opinion, HHSS legal, etc.)

Prerequisites

Only a credentialing review for a new credential has prerequisites. In order for a profession or occupation to be considered for credentialing, it must meet the following prerequisites:

1. The profession or occupation must require unique skills, knowledge or abilities that are teachable and testable and must distinguish the profession or occupation from routine work and labor; and
2. The profession or occupation engages in practices that have potential impact on the public's health and the scope of these practices can be articulated and described.

Once the prerequisites are satisfied, the credentialing review for a new credential goes through the same process as every other credentialing review.

Steps in the process

The Credentialing Review Process will consist of the following steps:

Step 1 – Issue definition statement

Step 2 – Committee Appointment

Step 3 – Committee Review

Step 4 – Committee Report

Step 5 – Director's Action

Step 1 – Issue Definition Statement

The party initiating a credentialing review will receive technical assistance from Department staff to define the credentialing review issue and the appropriate document (content to be completed later).

Step 2 – Committee Appointment

The Department director appoints a Credentialing Review Committee within 90 days after receiving the appropriate documents from step one.

The Credentialing Review Committee will be at least seven and may be up to thirteen members and will consist of at least:

1. One profession/occupation under review representative
2. One related/associated profession/occupation/group
3. Public member¹
4. Public member
5. Public member
6. One Department representative (recommendation from staff)
7. One State Board of Health representative

¹ Public member shall be a resident of this state who has attained the age of majority; shall represent the interests and viewpoints of consumers; and shall not be a present or former member of a credentialed profession, an employee of a member of a credentialed professional, or an immediate family or household member of any person presently regulated such profession or occupation under review.

The director may consider appointing:

- a. One representative from the Governor's Policy Research Office (offer opportunity but may be turned down)
- b. Additional profession/occupation representation (may include opponent group representative if there is knowledge of such a group)
- c. Additional public members
- d. Representative of a typical employer for the profession or occupation
- e. Others as appropriate

The Credentialing Review Committee will not have a chairperson. Instead a Department staff person(s) is responsible for facilitating the meetings and coordinating the credentialing review process. All members of the committee are voting members and expected to actively participate.

Step 3 – Committee Review

The credentialing review includes consideration of:

1. The evaluation of appropriate topic areas using established criteria;
 - a. Standard criteria are listed below. Further explanation of the criteria is in a separate document.
 - i. The **risk** of the practice of the profession or occupation poses to the public;
 - ii. The potential the public has for **self-protection** against any harm the practice of the profession or occupation may pose; and
 - iii. The amount of **independent judgment** the practitioners of the profession or occupation may exercise.
 - b. Nine topic areas have been identified. All topic areas are not appropriate for all credentialing review situations and more information will be available for use by the committee during the credentialing review. The nine topic areas are:
 - 1) Qualifications for credential;
 - 2) Scope of practice;
 - 3) Economic/social harm/access;
 - 4) Public & other relationships;
 - 5) Continuing competency;
 - 6) Process for credentialing;
 - 7) Process for discipline;
 - 8) Interstate mobility;
 - 9) Other.
2. Appropriate data and research;
3. Outcomes for the profession or occupation;
4. Information and feedback received at public meetings or hearings from a variety of interested parties;
5. Other information as appropriate;
6. Analysis and conclusions;
7. Consideration of least restrictive level of credentialing for a profession or occupation that ensures public protection.

All available resources generate the information used for the evaluation of topic areas and for the committee to complete its review.

1. When a credentialing review needs to answer if the profession or occupation should be regulated: All topic areas will be considered but emphasis will be placed on topic areas one through four.
2. When a level of credentialing recommendation needs to be made: All topic areas will be considered but emphasis will be placed on topic areas one through four.
3. To identify options or recommendations: All topic areas will be considered along with outcomes and measurements that support public safety.

Step 4 – Committee Report

The final report contains such basics as the review committee membership, type of credentialing review, and other relevant information (research, statutes, rules and regulations, data used as a part of the review, public meetings). Major sections of the report include:

- A. Executive summary.
- B. Conclusions (The committee will work on this last but put it first in the report):
 1. As appropriate for the type of review:
 - a. Yes or No answer to whether a profession or occupations needs regulation;
 - b. Identification of appropriate level of regulation with the least restrictions while still providing public protection;
 - c. Definition of scope of practice; and
 - d. Outcome for public protection that is or will be achieved and how measured.
 2. Alternatives or options. Evaluation and development of possible consequences of each alternative. Recommendations for improvement in credentialing of a profession or occupation (consider different continuing competency; consider detail requirements).
 3. Notation of significant supportive documentation used in evaluation (consideration of current standards, performance, data as appropriate, other state information, public input, etc) and the criteria (may do so by reference to evaluation of topic areas).
- C. Results of the all topic area evaluations.

Step 5 – Director’s Action

The Department of HHS Regulation and Licensure director is responsible for credentialing and regulating professions and occupations that are under the authority of the Department to ensure public safety. The Credentialing Review Committee produces a final report that is a public document and submits it to the director. The final report is used by the director to make informed decisions for the regulatory system.

The director may decide to enhance the regulatory system by taking action through administrative changes, or by seeking statute changes. The Department also has a responsibility to evaluate and respond to legislative initiatives and to advise interested parties as appropriate.